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PATENT

Attorney's Docket No. 5218-88

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Givens et al. Confirmation No.: 7225  
Serial No.: 10/068,016 Examiner: David J. McCrosky  
Filed: February 5, 2002 Group Art Unit: 3736  
Publication No.: US 2002/0165466 A1  
For: Systems, Methods and Products for Diagnostic Hearing Assessments Distributed  
Via the Use of a Computer Network

Date: November 23, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT AND RESPONSE TO  
OFFICE ACTION DATED OCTOBER 4, 2004

Sir:

This response is submitted in reply to the Official Action dated October 4, 2004 ("the Action"). If any extension of time for the accompanying response or submission is required, Applicant requests that this be considered a petition therefor. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this document.

Remarks begin on page 19 of this document.

PAGE 4/28\*RCVD AT 11/23/2004 3:34:10 PM [Eastern Standard Time]\*SVR:USPTO-EFXRF-14\*DHS:8729306\*CSID:919 854 1401\*DURATION (mm:ss):07:50

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01 FC:2202 90.00 DA  
02 FC:2201 176.00 DA

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have also added claims or included in the new claims that the test is carried out to allow a clinician at the remote site to perform a diagnostic evaluation in substantially real-time.

**IV. Conclusion**

Applicants submit that the present application is in condition for allowance and the same is earnestly solicited. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

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**CERTIFICATION OF FACSIMILE TRANSMISSION  
UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office via the central facsimile number 703-872-9306 on November 23, 2004.

*Rosa Lee Brinson*  
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